

## **AVAILABILITY OF MODIFIED TEXT**

NOTICE IS HEREBY GIVEN that the Board of Vocational Nursing and Psychiatric Technicians has proposed modifications to the text of sections 2524.1 and 2579.11. This regulatory proposal was the subject of a regulatory hearing on May 3, 2005. A copy of the modified text is enclosed. Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before October 25, 2005, to the following:

**ANGELINA MARTIN**

Board of Vocational Nursing and Psychiatric Technicians  
2535 Capitol Oaks Drive, Suite 205  
Sacramento, CA 95833-2945

DATED: October 7, 2005

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**TERESA BELLO-JONES, J.D., M.S.N., R.N.**

Executive Officer

Board of Vocational Nursing and Psychiatric Technicians

# **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**

## **Modified Text**

Changes to the originally proposed language are shown by double underline for new text and underline with strikeout for deleted text.

### ***VOCATIONAL NURSING REGULATIONS***

California Code of Regulations, Title 16, Division 25, Chapter 1:

#### **Adopt Section §2524.1. Consumer Complaint Disclosure.**

In reaching a decision on the disclosure of a consumer complaint under the Public Records Act (Government Code Section 6250 et seq.), the Board shall follow its “Consumer Complaint Disclosure Policy” which specifies the following:

(a) Public Access to Information – It is the policy of the Board of Vocational Nursing and Psychiatric Technicians (hereafter “Board”) that information concerning ~~the conduct of the people’s business~~ individuals licensed by this agency be available to members of the public. Among the principal functions of the Board is the investigation of complaints against its licensees to determine whether there is cause for disciplinary action. Information regarding actions taken by the Board in the disposition of such complaints ~~should be~~ is readily accessible in a meaningful form to the consuming public.

(b) Complaint Information System – The Board ~~shall~~ maintains a system designed to provide ~~individual members of the consuming public~~ information regarding complaints and disciplinary actions against its licensees and information regarding their license status, ~~as specified below.~~

(c) Information to be Provided Regarding Complaints – In disclosing the existence of a consumer complaint, the Board will do so in a manner that will not reveal the identity of the complainant. The Board shall disclose details of a consumer complaint if the

complaint is substantiated through investigation and/or an Accusation or Statement of Issues is filed. The Board shall disclose the following consumer complaint information to the public, upon written request:

(1) The number of complaints which have been found by the Board to be violations of the licensing law or regulations; and

(2) With respect to each complaint, the following information:

(A) Its date of receipt;

(B) A summary of the violation(s);

(C) Its disposition, by indicating whether the complaint:

(1) Has been or will be referred to formal disciplinary action.

(2) Has been found to involve a minor violation not in itself meriting disciplinary action;

(3) Has been disposed of through any action taken, formal or informal, taken against the licensee.

(3) Comparative data as may be considered by the Board to be informative to consumers, which may could include the average number of complaints received against licensees in a given region, locality or area of practice.

(4) A general disclaimer, if any, as the Board may deem appropriate.

(d) ~~In disclosing the existence of a consumer complaint, the Board will do so in a manner that will not reveal the identity of the complainant.~~ A consumer complaint may not be disclosed if one of the following conditions exists:

(1) The complaint is deemed without merit.

(2) Board jurisdiction cannot be established.

- (3) The complaint is unrelated to professional conduct.
- (4) The complaint involves a non-consumer matter.
- (5) Disclosure is prohibited by statute or regulation.
- (6) Disclosure might endanger or injure the complainant.
- (7) Disclosure might compromise the investigation and/or prosecution.

(e) Information to be Provided Regarding Disciplinary Actions – The Board maintains records showing the disciplinary history of all current license holders and will provide to the public, upon request, whether a current license holder has ever been disciplined and, if so, when and for what offense. A copy of documents related to that action including the accusation, proposed decision, stipulation and/or final decision will be provided to the public upon written request.

**NOTE:** Authority cited: Section 2854, Business and Professions Code, Section 6253.4 and 6254, Government Code; Reference: Sections 2875, 2876, 2878, 2878.1 and 2878.5, Business and Professions Code; and Sections 6252, 6253, 6253.2, 6253.4, 6255, and 6260, Government Code.

# **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**

## **Modified Text**

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### ***PSYCHIATRIC TECHNICIAN REGULATIONS***

California Code of Regulations, Title 16, Division 25, Chapter 2:

#### **Adopt Section §2579.11. Consumer Complaint Disclosure.**

In reaching a decision on the disclosure of a consumer complaint under the Public Records Act (Government Code Section 6250 et seq.), the Board shall follow its “Consumer Complaint Disclosure Policy” which specifies the following:

(a) Public Access to Information – It is the policy of the Board of Vocational Nursing and Psychiatric Technicians (hereafter “Board”) that information concerning ~~the conduct of the people’s business~~ individuals licensed by this agency be available to members of the public. Among the principal functions of the Board is the investigation of complaints against its licensees to determine whether there is cause for disciplinary action. Information regarding actions taken by the Board in the disposition of such complaints ~~should be~~ readily accessible ~~in a meaningful form~~ to the consuming public.

(b) Complaint Information System – The Board ~~shall~~ maintains a system designed to provide ~~individual members of the consuming public~~ information regarding complaints and disciplinary actions against its licensees and information regarding their license status. ~~as specified below.~~

(c) Information to be Provided Regarding Complaints – In disclosing the existence of a consumer complaint, the Board will do so in a manner that will not reveal the identity of the complainant. The Board shall disclose details of a consumer complaint only if the complaint

is substantiated through investigation and/or an Accusation or Statement of Issues is filed.

The Board shall disclose the following consumer complaint information to the public, upon written request:

(1) The number of complaints which have been found by the Board to be violations of the licensing law or regulations; and

(2) With respect to each complaint, the following information:

(A) Its date of receipt;

(B) A summary of the violation(s);

(C) Its disposition, by indicating whether the complaint:

(1) Has been or will be referred to formal disciplinary action.

(2) Has been found to involve a minor violation not in itself meriting disciplinary action;

(3) Has been disposed of through any action taken, formal or informal, taken against the licensee.

(3) Comparative data as may be considered by the Board to be informative to consumers, which may could include the average number of complaints received against licensees in a given region, locality or area of practice.

(4) A general disclaimer, if any, as the Board may deem appropriate.

(d) In disclosing the existence of a consumer complaint, the Board will do so in a manner that will not reveal the identity of the complainant. A consumer complaint may not be disclosed if one of the following conditions exists:

(1) The complaint is deemed without merit.

(2) Board jurisdiction cannot be established.

- (3) The complaint is unrelated to professional conduct.
- (4) The complaint involves a non-consumer matter.
- (5) Disclosure is prohibited by statute or regulation.
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(e) Information to be Provided Regarding Disciplinary Actions – The Board maintains records showing the disciplinary history of all current license holders and will provide to the public, upon request, whether a current license holder has ever been disciplined and, if so, when and for what offense. A copy of documents related to that action including the accusation, proposed decision, stipulation and/or final decision will be provided to the public upon written request.

**NOTE:** Authority cited: Section 4504, Business and Professions Code, Section 6253.4 and 6254, Government Code; Reference: Section 4520, 4521 and 4521.2, Business and Professions Code, Section: 6252, 6253, 6253.2, 6253.4, 6255, and 6260, Government Code.